

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, June 13, 2007  
9:00 a.m.

Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 30, 2007, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 6, 2007 will not be provided to the Regional Board members and will not be considered by the Regional Board.

**PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.**

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 30, 2007.

***Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.***

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least twenty days prior to the meeting. Comments regarding matters that are scheduled for a future Meeting will be restricted.
3. Minutes of Board Meeting: May 9, 2007.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Arthur Coe (tentative Resolution No. R9-2007-0079) (*John Robertus*)

***Consent Calendar: Items 6 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed.)***

6. Update of Waste Discharge Requirements: Oak Tree Ranch, Inc., Oak Tree Ranch Private Residential Community Wastewater Treatment and Disposal Facility near Ramona, San Diego County (tentative Order R9-2007-0046) (*Michelle Mata*)
7. NPDES Permit Reissuance: Frank J. Konyon Dairy – Near Escondido, San Diego County (NPDES No. CA0109053, tentative Order No. R9-2007-0053) (*Whitney Ghoram*)
8. NPDES Permit Reissuance: Tom Van Tol T.D. Dairy, Near Ramona, San Diego County (NPDES No. CA0109339, tentative Order No. R9-2007-0066) (*Whitney Ghoram*)
9. Waste Discharge Requirements: Winchester Wesselink LLC, Wesselink Dairy, Riverside County (tentative Order No. R9-2007-0042) (*Robert Morris*)

***Remainder of the Agenda (Non-Consent Items):***

10. **PUBLIC HEARING:** Continuation of Administrative Review for Water Quality Investigation Order No. R9-2006-0044 issued to the City of San Marcos for the Bradley Park/Old Linda Vista Landfill, San Diego County. A panel of four Regional Board members heard public testimony regarding the investigation Order as [ITEM 8 at the Regional Board Meeting on May 9, 2007](#). The panel of Regional Board members will make a recommendation to the remaining Regional Board members regarding the staff recommendation to affirm Water Quality Investigation Order R9-2006-0044, as amended. (*Amy Grove*)

11. Total Maximum Daily Loads for dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay. The Regional Board will deliberate and consider adopting an amendment incorporating the TMDLs in the Basin Plan (tentative Resolution No. R9-2007-0043) (*Benjamin Tobler*)
12. **PUBLIC HEARING:** San Diego County Water Authority, San Vicente Pipeline Dewatering Project: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0088) (*Rebecca Stewart*)
13. **PUBLIC HEARING:** Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0089) (*Rebecca Stewart*)
14. **PUBLIC HEARING:** The Regional Board will consider affirming Cleanup and Abatement Orders for the unauthorized discharge of fill to San Diego Bay at 501 and 505 First Street, Coronado, San Diego County: (*Frank Melbourn*)
  - A. Addendum No. 2 to Cleanup and Abatement Order No. R9-2006-0101 to Bill and Heidi Dickerson, and Perry and Papenhausen Construction for the unauthorized discharge of fill to San Diego Bay in violation of 401 Water Quality Certification (File No. 05C-041). 501 First Street, Coronado, San Diego County.
  - B. Addendum No. 2 to Cleanup and Abatement Order No. R9-2006-0102 to Larry and Penny Gunning, and Perry and Papenhausen Construction for the unauthorized discharge of fill to San Diego Bay. 505 First Street, Coronado, San Diego County.
15. Reissuance of Waste Discharge Requirements and NPDES Permit CAG919001 for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay, tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto. If adopted, Tentative Order No. R9-2007-0032, would supersede the current WDR Order No. R9-2000-0090. (Tentative Order No. R9-2007-0032) (*Vicente Rodriguez*)
16. Reissuance of Waste Discharge Requirements and NPDES Permit CAG919002 for discharge from Groundwater Extraction waste to Surface Waters within the San Diego Region Except for San Diego Bay. If adopted, Tentative Order No. R9-2007-0071, would supersede the current WDR Order No. R9-2001-0096. (Tentative Order No. R9-2007-0071) (*Vicente Rodriguez*)

17. *Closed Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
  - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.
  - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.
  - People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61.
18. *Closed Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act. (*John Robertus*)
19. *Closed Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
20. *Closed Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
21. Arrangements for Next Meeting and Adjournment  
Wednesday, August 8, 2007 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### **Notifications**

**A. Public Participation 30-day Notice****Proposed UST Closure - Site 51091, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Closure Report (Includes Documentation of Additional Soil Sampling Activities) for Former UST Site 51091 at MCB Camp Pendleton" prepared by Battelle dated March 26, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former USTs. During the removal of five USTs at the site in 1997, soil was observed with a maximum concentration of 5,100 mg/kg as TRPH found in one soil sample collected at 2.5 feet below ground surface. A site assessment was performed in 1998 and 2006, respectively, to investigate the lateral and vertical extent of soil and ground-water contamination and no contamination was found remaining at the site. Therefore, the unauthorized release case may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. *(Helen Yu)*

**B. Public Participation 30-day Notice****Proposed UST Closure - Site 63171, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment Report for Former UST Site 63171 at MCB Camp Pendleton" prepared by Battelle dated March 29, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former UST. During the tank removal in 1997, soil was observed at the site with a maximum concentration of 9,443 mg/kg as TPH-D found in one soil sample collected at 12 feet below ground surface. A site assessment was performed in 2006 to investigate the lateral and vertical extent of soil and ground-water contamination and no contamination was found remaining at the site. Therefore, the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. *(Helen Yu)*

**C. Public Participation 30-day Notice****Proposed UST Closure - Site 1645, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Investigation Report and Request for Closure UST Site 1645, Marine Corps Base Camp Pendleton, California" prepared by SES-TECH dated March 9, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). The investigation did not encounter ground water to bedrock at 46 feet below the site and remaining low-level soil contamination lies at depths from 8 to 40 feet below ground surface. The maximum concentration of total petroleum hydrocarbons as diesel is 1200 milligrams per kilogram at a depth of 8.5 feet. An estimated 335 cubic yards of contaminated soil remains below the site, however, the current site conditions do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. *(Robert Pierce)*

**D. Public Participation 30-day Notice****Proposed UST Closure - Site 43402, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Groundwater Monitoring Report and Request for Closure, UST Site 43402, Marine Corps Base Camp Pendleton, California" prepared jointly by SES-TECH dated April 9, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Corrective action included the excavation and proper disposal, and bioventing of contaminated soil. The most recent groundwater samples indicate the residual concentrations of hydrocarbons at a maximum 0.80 milligrams per liter would likely be naturally degraded. The current site conditions do not pose a threat to human health or the environment, and the

unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. (Robert Pierce)

#### **E. Public Participation 30-day Notice**

##### **Proposed Clean Closure - Survival, Evasion, Resistance, and Escape (SERE) Camp Landfill, Warner Springs**

The Site Mitigation & Cleanup Unit has reviewed the "Removal Action Closeout Report, SERE Camp, Installation Restoration (IR) Site #1, Warner Springs, California" dated July 24, 2006. The report summarizes the implementation and results of a Time Critical Removal Action (TCRA) and recommends No Further Action at IR Site 1, the SERE Camp Landfill. Approximately 2,700 tons of waste consisting of primarily paper, plastic, wood, pieces of scrap metal, concrete, and other miscellaneous debris were removed during the landfill excavation. After completion of the excavation activities, maximum concentrations in confirmation soil samples were compared to background levels and screening criteria for the protection of groundwater, human health, and ecological receptors. Comparison of these concentrations indicated no chemicals were present at concentrations greater than both background levels and screening criteria. The former SERE Camp Landfill area has been fully restored to meet the requirements of the land owner The Department of Forestry. SERE Camp Landfill meets the applicable State requirements for clean closure of a landfill, pursuant to California Code of Regulations (CCR) Title 27, §21090(F). The current site conditions do not pose a threat to human health or the environment, and the Site can be closed and removed from the IR Program. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation Guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action/closure letter after June 13, 2007. (Sherrie Komeylyan)

#### **F. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 14137, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Groundwater Monitoring Report and Request for Closure, UST Site 14137, Marine Corps Base Camp Pendleton, California" prepared jointly by SES-TECH dated April 9, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Corrective action included the excavation and proper disposal of contaminated soil. The most recent groundwater samples indicate the residual concentrations of hydrocarbons at a maximum 1.2 milligrams per liter would likely be naturally degraded. The current site conditions are stable, do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. (Robert Pierce)

#### **G. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 1646, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment Report for Former Underground Storage Tank Site 1646, Marine Corps Base Camp Pendleton, California" prepared by Battelle dated April 19, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). The investigation did not encounter ground water to bedrock at 40 feet below the site and remaining low-level soil contamination lies at depths from 9 to 20 feet below ground surface. The maximum concentration of total petroleum hydrocarbons as diesel is 1200 milligrams per kilogram. The current site conditions do not pose a threat to human health or the environment, and the

unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after June 13, 2007. (Robert Pierce)

H. On April 13, 2007 the Executive Officer issued [Addendum No. 1 to CAO R9-2006-0016](#) to the USMC, removing the alternative allowing the USMC to propose an alternative remedial action, and requiring the USMC to develop a Corrective Action Plan (CAP) for the implementation of either corrective construction, or clean closure for the Phase 1 Expansion Unit. Background information is available from the [Regional Board Las Pulgas web page](#) and previous Executive Officer Reports on the Las Pulgas Landfill (see [http://www.waterboards.ca.gov/sandiego/eo\\_report/eoreport.html](http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html)). A replacement CAP is due to the Regional Board by December 14, 2007. (Amy Grove)

I. **45-day Notice:** Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Addendum No. 2 to Order No. 99-74, "Waste Discharge Requirements for the Sycamore Landfill Inc., A Subsidiary of Allied Waste Industries, Inc., Sycamore Landfill, San Diego County". The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Addendum No. 2, during its scheduled meeting on August 8, 2007. Tentative Addendum No. 2 would, if adopted, amend engineered alternative liner requirements for existing waste discharge requirements in Order No. 99-74. (Carol Tamaki)

J. **45-day Notice:** Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Addendum No. 6 to Order No. 97-11, "Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Landfills in the San Diego Region". The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Addendum No. 6, during its scheduled meeting on August 8, 2007. Tentative Addendum No. 6 would, if adopted, add Alpine 2 burnsite to Order No. 97-11. (Carol Tamaki)

#### DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.